

no pets are allowed, and allowing a tenant with a serious heart condition to have a reserved parking space close to the tenant's apartment.

Q: If a landlord has available units which are equipped for the handicapped, does a handicapped person have to take one of those units?

A: No. A landlord can advise a handicapped person of the availability of specially equipped units, but the handicapped person must be allowed to choose from any of the units which are available.

Familial Status

Q: Can persons with children be denied housing on that basis?

A: No. The fair housing laws protect a person who (1) has a child under the age of 18, (2) has legal custody of a child, (3) is designated by the parent to care for a child (provided that the designee has written permission from the parent), (4) is pregnant, or (5) is in the process of obtaining legal custody of a child. However, the fair housing laws do not protect persons denied housing because they are single, married, or living with someone.



Q: Are “adults only” communities allowed?

A: No, unless they qualify for one of the two exemptions which allow for adults only housing for elderly persons. *[Note: There are numerous requirements which must be met to qualify for these exemptions. Contact the North Carolina Human Relations Commission for further details.]* If a housing complex qualifies for the elderly person exemption, then it may discriminate based on familial status only. It may not discriminate on the basis of any of the other protected categories.

Q: Can an owner or agent segregate families with children from other tenants?

A: No. A member of a protected category may not be assigned to a particular section of a community, neighborhood or development, or to a particular floor of a building, because of being a member of a particular category.

Q: Can a landlord or agent limit the number of children allowed in a bedroom, or prohibit the sharing of bedrooms by children of the opposite sex?

A: No. Although a landlord may set “occupancy standards” for the *number of people* that will be allowed to live in a unit, the standards should not be based on the age or sex of the individuals. [Note: The fair housing laws do not limit the applicability of any reasonable local, State, or Federal restrictions regarding the maximum number of persons permitted to occupy a housing unit.]

Real Estate Agents and Fair Housing

Q: May a real estate agent discriminate at the direction of the owner?

A: No. Even if a real estate agent has no

discriminatory intent, the agent is in violation of the fair housing laws when discriminating against persons from one of the protected categories at the direction of the owner or lessor. Likewise, an agent is in violation if he or she knows that members of protected categories may be unlawfully rejected by the owner or lessor.



Q: What should a real estate agent do if he or she finds out that the seller or landlord intends to discriminate against a member of a protected category?

A: The agent should immediately terminate the agency relationship with the seller or landlord.

The agent should then send a letter to the seller or landlord stating that the relationship has been terminated and explaining why. Next, the agent should inform any other agents or other parties to the transaction that he or she no longer represents the seller or landlord.

Q: Can a real estate agent decline to show property in a particular area because members of a protected category reside in that area?

A: No. This is *steering*, even if the buyer requests it. The real estate agent should inform the buyer that he or she can show property based on any of the buyer's other criteria, but not the presence or absence in the area of members of a protected category.

Q: Is a real estate brokerage firm in violation of the fair housing laws if one of its employees or agents unlawfully discriminates?

A: Yes.

Q: Can a real estate agent answer questions about the characteristics of a neighborhood if the questions concern one of the protected categories?

A: No.

Q: Is it a violation of the fair housing laws to deny an agent who is a member of a protected category access to real estate related services?

A: Yes. It is a violation of the fair housing laws to deny a qualified real estate agent access to or membership in any membership listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting housing, because he or she is a member of one of the protected categories.

Q: Can a violation of the fair housing law affect a real estate broker's or salesman's license?

A: Yes. A violation of the fair housing laws is a violation of the North Carolina Real Estate License Law; therefore, it could result in suspension or revocation of the agent's license by the North Carolina Real Estate Commission.

Enforcement of the Fair Housing Laws

Q: What should I do if I suspect that I or someone else has experienced unlawful discrimination in a housing transaction?

A: You may file a complaint or notify the North Carolina Human Relations Commission

(NCHRC), 217 W. Jones St., Raleigh, N.C. 27603-1336. (Phone: 919/733-7996). However, **the complaint must be filed within one year after the alleged violation occurred.** The North Carolina Human Relations Commission will be glad to answer any questions you may have.

Q: What happens after I file a complaint?

A: The NCHRC will investigate to determine whether unlawful discrimination has occurred. If it has, the NCHRC will attempt to eliminate or correct the discriminatory practice by informal conference, persuasion, or conciliation. If it is unable to resolve the matter: (1) you may request a right-to-sue letter so that you may file a civil lawsuit; (2) the NCHRC may file a lawsuit for you; or (3) if neither of the two previous options is taken, an administrative hearing may take place where a final decision on the matter will be made. If the NCHRC fails to find that discrimination has taken place, it will dismiss the complaint and issue a right-to-sue letter.

Of course, you have the right to file a civil suit, at your expense, at any time based on a violation of the fair housing laws without filing a complaint with the NCHRC.

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Questions and Answers on: FAIR HOUSING

